

Application No. 10/053,720
Amendment dated June 1, 2004
Reply to Final Office Action mailed on January 29, 2004

REMARKS/ARGUMENTS

Response is hereby made to the Office Action mailed on January 29, 2004. Claims 1, 4, 5, 6, 7 and 24 are amended and new claim 25 is added.

Allowance of Claims 12, 13 and 21-23

Claims 12, 13 and 21-23 were allowed.

Rejection under 35 U.S.C. 102(b)

Claims 1, 2, 4, 5, 7, 14-15 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Carlson (US '733).

Claims 1, 3, 5, 7-11, 14 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Downerd (US '805).

Claims 1-5, 7 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Singer (US '980).

Rejection under 35 U.S.C. 103(a)

Claims 1, 3, 5, 7-11, 14 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Downerd in view of Singer and/or Carlson.

Applicant has amended claim 1 to overcome the rejection and to further clarify the invention and to distinguish it over the cited references. More particularly, claim 1 was amended to indicate that the rotatable screen is a screen wheel having axial apertures. Nothing in the cited references teaches, discloses

Application No. 10/053,720

Amendment dated June 1, 2004

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or suggests inter alia such elements. In all of the cited references the screen is a rotating cylindrical element having radial holes in the cylindrical surface. It screens material flowing radially and not axially. Accordingly, claim 1, as amended should be allowable.

Claim 2 should be allowable because it is depended on allowable claim 1. Further it should be allowable because it discloses a pump for pumping material from the hopper to the separator. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Claim 3 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 4 should be allowable because it is depended on allowable claim 1. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Claim 5 should be allowable because it is depended on allowable claim 1. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Claim 7 should be allowable because it is depended on allowable claim 1. Further it should be allowable because it discloses an apparatus having a rotatable screen wheel that includes apertures of a predetermined size. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Claim 8 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of

Application No. 10/053,720
Amendment dated June 1, 2004
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this claim.

Claim 9 should be allowable because it is depended on allowable claim 8. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 10 should be allowable because it is depended on allowable claim 9. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 11 should be allowable because it is depended on allowable claim 9. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 14 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 15 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 24 should be allowable because it is dependent on allowable claim 1. Further, it should be allowable because it discloses a screen being positioned in the passageway so as not to allow the material

12

Application No. 10/053,720

Amendment dated June 1, 2004

Reply to Final Office Action mailed on January 29, 2004

to pass through the passageway without being screened. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Objection of Claim 6

Claim 6 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 was rewritten in independent form including all of the limitations of the base claim and any intervening claims and should be allowable.

New Claim 25

New claim 25 is similar to allowable claim 6 except for the omission of the hopper. It should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of that claim.

Benefit under 35 U.S.C. 119(e)

Applicant claimed the benefit under 35 U.S.C. 119(e) of the United States provisional application number 60/262546 filed on January 17, 2001. The Examiner did not acknowledge that benefit because allegedly the provisional application was filed on January 16, 2001. Applicant respectfully submits that the correct filing date of that provisional application is January 17, 2001 and will file appropriate petition requesting acknowledgment of that claim.

Applicant requests for an extension of time of one month to make this response timely and an


Application No. 10/053,720
Amendment dated June 1, 2004
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extension fees therefor is being paid by credit card payment herewith..

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Dated: JUNE 1, 2004

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